

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Mark Dinsmore  
Serial No.: 10/790,636 (which is a reissue application of 6,493,419, issued December 10, 2002)  
Filed: March 1, 2004  
Title: Optically Driven Therapeutic Radiation Source Having Spiral Shaped Thermionic Cathode  
Docket: PHLL-157RE (56249-173)

**CERTIFICATE OF MAIL**

I certify that this document is being deposited on the date stated below, with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8(a) and is addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dec. 3, 2004  
Date

Keiko Nakagawa  
Keiko Nakagawa

**Mail Stop: Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Enclosed herewith for filing in connection with the above-identified patent application are the following:

- 1) Petition for A Five-Month Extension of Time;
- 2) Response to Notice of Incomplete Reply (Reissue);
- 3) Executed Statement Under 37 CFR § 3.73(b);
- 4) Copy of Notice of Incomplete Reply (Reissue);
- 5) Check in the amount of \$550.00; and
- 6) Return Postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1133.

Respectfully submitted,  
McDERMOTT, WILL & EMERY  
Customer No. 23630

Date: December 3, 2004

Elizabeth E. Kim

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28 State Street  
Boston, MA 02109-1775  
Telephone: (617) 535-4000, Facsimile: (617) 535-3800



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Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY (REISSUE)

In response to the Notice of Incomplete Reply (Reissue) dated November 16, 2004, Applicant's attorney submits herewith the executed Assignee's Statement under 37 CFR 3.73 (b).

A check in the amount of \$550.00 to cover the Fifth Month Extension of Time is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1133.

Respectfully submitted,  
McDERMOTT, WILL & EMERY  
Customer No. 23630

Date: December 3, 2004

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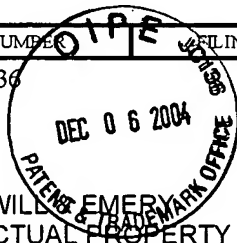


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/790,636	03/01/2004	Mark Dinsmore	56249-PHLL-157RE

23630  
 MCDERMOTT, WILLIAM E. EMERSON  
 ATTN: INTELLECTUAL PROPERTY DEPT.  
 28 STATE STREET  
 BOSTON, MA 02109



CONFIRMATION NO. 6535

## FORMALITIES LETTER



\*OC000000014373346\*

Date Mailed: 11/16/2004

## NOTICE OF INCOMPLETE REPLY (REISSUE)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 11/08/2004 to the Notice to File Missing Parts (Notice) mailed 05/04/2004 and it has been entered into the reissue application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this reissue application will be the date of receipt of the items required above.

- Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE